

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF: DECEMBER 16, 2009**

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**DEPARTMENT: CITY ATTORNEY****DIRECTOR: BRADFORD R. JERBIC**☐ **Consent**   ☒ **Discussion****SUBJECT:**

Discussion and possible action to acquire APN 126-24-701-011 and 126-24-701-012, located in the vicinity of Deer Springs Way and Hualapai Way, and to settle Albert D. Massi, et al. v. City of Las Vegas, Case No. A555582 in the Eighth Judicial District Court (\$4,000,000 – Capital Improvement Fund) - Ward 6 (Ross)

**Fiscal Impact**☐**No Impact**☐**Augmentation Required**☒**Budget Funds Available****Amount:** \$4,000,000**Funding Source:** Capital Improvement Fund**Dept./Division:** Department of Finance and Business Services**PURPOSE/BACKGROUND:**

In January of 2008, Albert D. Massi, Eileen Massi, David Oliveri, Mindy Oliveri, Donald Nobis and Mary Ann Nobis filed a lawsuit against the City claiming inverse condemnation as a result of a vacation of a portion of Deer Springs Way abutting their property. The respective appraisals for the property, as of the date of valuation, were \$5,240,000 and \$4,550,000. Plaintiffs have offered to settle the lawsuit and sell the property to the City for a total amount of \$4,000,000. The proceeds would be payable in two equal installments on June 1, 2010 and December 1, 2010.

**RECOMMENDATION:**

Settlement of the lawsuit and acquisition of the properties for \$4,000,000.

**BACKUP DOCUMENTATION:**

None

Motion made by STEVEN D. ROSS to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CITY ATTORNEY BRAD JERBIC declared this item to be in order and recommended approval.

COUNCILMAN WOLFSON explained that staff had adequately briefed the Council on the background and recommendation for approval of the settlement.